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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/826,612

04/05/2001

Gordon A. Forsyth

8963.00

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7590

11/14/2008

MICHAEL CHAN

NCR CORPORATION

1700 SOUTH PATTERSON BLVD

DAYTON, OH 45479-0001

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/826,612	Applicant(s) FORSYTH, GORDON A.	
	Examiner DANIEL S. FELTEN	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2, 8 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the applicant's request for reconsideration July 15, 2008 is acknowledged.

Response to Arguments

2. Applicant's arguments filed July 15, 2008 have been fully considered but they are not persuasive. It seems that the applicant is making a reference-by-reference attack on the combination of references. The applicant is respectfully reminded that references, in determining obviousness are not read in isolation but for what they fairly teach in combination with the prior art as a whole. Thus patent assignee's reference by reference attack on prior art to demonstrate non-obviousness is not persuasive. In this case Barcelou discloses an automated retail terminal in which a plurality of goods and/or services are provided in an integrated system (40). The integrated system (40) generally avoids duplicating hardware or functions in the course of delivering the goods or services offered, so for example in a combination ATM and Internet kiosk the same credit card or smart card reader (48) is used for both the ATM and the Internet kiosk functions, the same control screen (42, 44) activates the ATM functions and the Internet functions, and etc. Flenley discloses A memory controller component (10, 30, 40) for an Internet application such as a bank, airline or supermarket web site is disclosed. The component is instantiated from a web page (Page.sub.-- 1.htm..Page.sub.-- 3.htm) in the application and exposes a number of methods. A connect method checks if a pre-determined area of named shared memory has been allocated, and responsive to the named shared memory not being allocated, allocates named shared memory. A setVariable method allocates an area in the shared memory for a variable and stores the variable. A getVariable method locates the variable in

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shared memory. Corresponding get and set encrypted variable methods are also disclosed.

Furthermore, an ATM running an Internet browser enabling a user to swap between web sites at an ATM is disclosed. It was discussed how Barcelou discloses the use of the Internet and a touch screen which provides for a wide variety of goods and services to be viewed (see col. 4, lines 50+), but fails to disclose a browser for enabling a user to browse sites on the network to select an item for purchasing from a merchant and that Flenley discloses an ATM (fig. 2) that uses a browser (80) (see col. 5, lines 23-28). It is maintained that it would have been obvious for one of ordinary skill in the art artisan at the time of the invention modify Barcelou with the Internet browser of Flenley because an artisan at the time of the invention would have sought to use the notoriously old and well known Internet browser as an alternative to Barcelou's touchscreen to provide viewing and selection of various goods and services. Thus these rejections are being maintained below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcelou in view of Flenley.

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a self-service terminal for connection to a network (40), the terminal comprising:

--means for receiving payment from a user (52--cash acceptor) (see fig. 4, col. 4, lines 50-65), *as in claims 1,*

--an electronic payment mechanism for creating an electronic financial instrument for paying for an item purchased via the network, wherein the electronic financial instrument is independent of the payment from the user (see fig. 5, col. 4, lines 66 to col. 5, line 12), *as in claims 1*

--*comprising means for recording each electronic financial instrument created and transmitting a copy to a database for reconciling with transactions processed at that terminal, (see col. 4, 11.31-33), as in claim 6, 16 and 17*

--comprising a printer for printing out a receipt to confirm that the electronic financial instrument has been created and sent, (see "printer" (57), col. 5, 11.8-9), *as in claims 7 and 18,*

--receiving from a user an indication of an item for purchase using the terminal see fig. 5, col. 4, lines 66 to col. 5, line 12);

--receiving from the user a first form of payment for purchasing the item (see fig. 4, col. 4, lines 50-65); and

Barcelou discloses the use of the Internet and a touch screen which provides for a wide variety of goods and services to be viewed (see col. 4, lines 50+), but fails to disclose a browser

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for enabling a user to browse sites on the network to select an item for purchasing from a merchant, *As in claims 2, 8, 13 and 19.*

Flenley discloses an ATM (fig. 2) that uses a browser (80) (see col. 5, lines 23-28). It would have been obvious for one of ordinary skill in the art artisan at the time of the invention modify Barcelou with the Internet browser of Flenley because an artisan at the time of the invention would have sought to use the notoriously old and well known Internet browser as an alternative to Barcelou's touchscreen to provide viewing and selection of various goods and services.

A method of purchasing items using an Automated Teller Machine, ATM comprising:

--Providing a web browser to a user of the ATM for browsing web pages of merchants;

--receiving payment via a first credit card from the user for a purchase from a selected merchant; and

--using credit card account assigned to the ATM, transmitting payment to the selected merchant.

--using the account to make payment to the selected merchant

--without identifying the user to the merchant, and

--without disclosing an account number of the user to the merchant (see fig. 5, col. 4, lines 66 to col. 5, line 12)

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
Primary Examiner
Art Unit 3696

/Daniel S Felten/
Primary Examiner, Art Unit 3696